

**UTILITY  
PATENT APPLICATION  
TRANSMITTAL**

(Only for nonprovisional applications under 37 CFR § 1.53(b))

Attorney Docket No.

**CROSS1570-1**

First Inventor or Application Identifier

**Lisheng Xing**

Title

**SYSTEM AND METHOD OF SUPPORTING KERNEL FUNCTIONALITY**

Express Mail Label No.

**EV351125816US****APPLICATION ELEMENTS**

See MPEP chapter 600 concerning utility patent application contents.

**ADDRESS TO:****Mail Stop Patent Application**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

1. ☒ Fee Transmittal for FY 2003  
(Submit an original and a duplicate for fee processing)
2. ☒ Specification [Total Pages] **53**  
(preferred arrangement set forth below)
- ☒ Descriptive Title of the Invention
- ☒ Cross References to Related Applications
- ☒ Background of the Invention
- ☒ Summary of the Invention
- ☒ Brief Description of the Drawings (if filed)
- ☒ Description of Preferred Embodiments
- ☐ References
- ☒ Claim(s)
- ☒ Abstract of the Disclosure
3. ☒ Drawing(s) (35 USC 113) [Total Sheets] **6**
4. ☒ Oath or Declaration [Total Pages] **2**
- a. ☒ Newly Executed (original or copy)
- b. ☐ Copy from a prior application (37 CFR 1.63(d))  
(for continuation/divisional with Box 17 completed)
- i. ☐ **DELETION OF INVENTOR(S)**  
Signed statement attached deleting  
inventor(s) named in the prior application,  
see 37 CFR 1.63(d)(2) and 1.33(b)
5. ☐ Incorporation By Reference (useable if box 4b is checked).  
The entire disclosure of the prior application, from  
which a copy of the oath or declaration is supplied  
under Box 4b, is considered to be part of the disclosure  
of the accompanying application and is hereby  
incorporated by reference therein.

6. ☐ Microfiche Computer Program (Appendix)
7. Nucleotide and Amino Acid Sequence Submission  
(if applicable, all necessary)
- a. ☐ Computer-Readable Copy
- b. ☐ Paper Copy (identical to computer copy)
- c. ☐ Statement verifying identity of above copies

**ACCOMPANYING APPLICATION PARTS**

8. ☒ Assignment Papers (cover sheet & document(s))
9. ☐ 37 CFR 3.73(b) Statement  
(when there is an assignee) ☒ Power of Attorney
10. ☐ English Translation Document (if applicable)
11. ☒ Information Disclosure Statement (IDS)/PTO-1449 ☒ Copies of IDS Citations
12. ☐ Preliminary Amendment
13. ☒ Return Receipt Postcard
14. ☒ Small Entity ☐ Statement filed in prior application,  
Status still proper and desired
15. ☐ Certified Copy of Priority Document(s)  
(if foreign priority is claimed)
16. ☒ Other: **Certificate of Mailing; Filing Fee; Request for Non-Publication**

**17. If a CONTINUING APPLICATION, check appropriate box and supply the requisite information below and in a preliminary amendment**☐ Continuation ☐ Divisional ☐ Continuation-In-Part (CIP) of prior Application No.: \_\_\_\_\_

Prior application information: Examiner \_\_\_\_\_ Group / Art Unit \_\_\_\_\_


☒ Claims the benefit of Provisional Application No. **60/419,479** filed **October 18, 2002****CORRESPONDENCE ADDRESS:**Gray Cary Ware & Freidenrich LLP  
1221 South MoPac Expressway, Suite 400  
Austin, TX 78746-6875  
Tel. (512) 457-7142  
Fax. (512) 457-7001**Customer No. :****25094**TYPED or PRINTED NAME **John L. Adair**REGISTRATION NO. **48,828**

SIGNATURE \_\_\_\_\_

DATE: **August 22, 2003**

<b>FEE TRANSMITTAL</b> <b>for FY 2003</b> <i>Effective 01/01/2003. Patent fees are subject to annual revision.</i>		<b>Complete if Known</b>	
		Application Number	Unknown
		Filing Date	August 22, 2003
		First Named Inventor	Lisheng Xing
		Examiner Name	Unknown
		Art Unit	Unknown
		Attorney Docket No.	CROSS1570-1
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27			
TOTAL AMOUNT OF PAYMENT	(\$ 937.00)		

<b>METHOD OF PAYMENT</b> (check all that apply) <input checked="" type="checkbox"/> Check <input type="checkbox"/> Credit Card <input type="checkbox"/> Money Order <input type="checkbox"/> Other <input type="checkbox"/> None Deposit Account Number: <b>50-0456</b> Deposit Account Name: <b>Gray Cary Ware &amp; Freidenrich LLP</b> The Commissioner is authorized to: (check all that apply) <input type="checkbox"/> Charge (fees) indicated below. <input type="checkbox"/> Credit any overpayments <input checked="" type="checkbox"/> Charge any additional fee(s) during the pendency of this application <input type="checkbox"/> Charge fee(s) indicated below, except for filing fee to the above-identified deposit account.	<b>FEE CALCULATION</b> (continued)																																																																																																																																																																																																																										
<b>3. ADDITIONAL FEES</b> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2">Large Entity</th> <th colspan="2">Small Entity</th> <th rowspan="2">Fee Description</th> <th rowspan="2">Fee Paid</th> </tr> <tr> <th>Fee Code</th> <th>Fee (\$)</th> <th>Fee Code</th> <th>Fee (\$)</th> </tr> </thead> <tbody> <tr><td>1051</td><td>130</td><td>2051</td><td>65</td><td>Surcharge - late filing fee or oath</td><td></td></tr> <tr><td>1052</td><td>50</td><td>2052</td><td>25</td><td>Surcharge - late provisional filing fee or cover sheet</td><td></td></tr> <tr><td>1053</td><td>130</td><td>1053</td><td>130</td><td>Non-English specification</td><td></td></tr> <tr><td>1812</td><td>2,520</td><td>1812</td><td>2,520</td><td>For filing a request for <i>ex parte</i> reexamination</td><td></td></tr> <tr><td>1804</td><td>920*</td><td>1804</td><td>920*</td><td>Requesting publication of SIR prior to Examiner action</td><td></td></tr> <tr><td>1805</td><td>1,840*</td><td>1805</td><td>1,840*</td><td>Requesting publication of SIR after Examiner action</td><td></td></tr> <tr><td>1251</td><td>110</td><td>2251</td><td>55</td><td>Extension for reply within first month</td><td></td></tr> <tr><td>1252</td><td>410</td><td>2252</td><td>205</td><td>Extension for reply within second month</td><td></td></tr> <tr><td>1253</td><td>930</td><td>2253</td><td>465</td><td>Extension for reply within third month</td><td></td></tr> <tr><td>1254</td><td>1,450</td><td>2254</td><td>725</td><td>Extension for reply within fourth month</td><td></td></tr> <tr><td>1255</td><td>1,970</td><td>2255</td><td>985</td><td>Extension for reply within fifth month</td><td></td></tr> <tr><td>1401</td><td>320</td><td>2401</td><td>160</td><td>Notice of Appeal</td><td></td></tr> <tr><td>1402</td><td>320</td><td>2402</td><td>160</td><td>Filing a brief in support of an appeal</td><td></td></tr> <tr><td>1403</td><td>280</td><td>2403</td><td>140</td><td>Request for oral hearing</td><td></td></tr> <tr><td>1451</td><td>1,510</td><td>1451</td><td>1,510</td><td>Petition to institute a public use proceeding</td><td></td></tr> <tr><td>1452</td><td>110</td><td>2452</td><td>55</td><td>Petition to revive - unavoidable</td><td></td></tr> <tr><td>1453</td><td>1,300</td><td>2453</td><td>650</td><td>Petition to revive - unintentional</td><td></td></tr> <tr><td>1501</td><td>1,300</td><td>2501</td><td>650</td><td>Utility issue fee (or reissue)</td><td></td></tr> <tr><td>1502</td><td>470</td><td>2502</td><td>235</td><td>Design issue fee</td><td></td></tr> <tr><td>1503</td><td>630</td><td>2503</td><td>315</td><td>Plant issue fee</td><td></td></tr> <tr><td>1460</td><td>130</td><td>1460</td><td>130</td><td>Petitions to the Commissioner</td><td></td></tr> <tr><td>1807</td><td>50</td><td>1807</td><td>50</td><td>Processing fee under 37 CFR 1.17(c)</td><td></td></tr> <tr><td>1806</td><td>180</td><td>1806</td><td>180</td><td>Submission of Information Disclosure Stmt</td><td></td></tr> <tr><td>8021</td><td>40</td><td>8021</td><td>40</td><td>Recording each patent assignment per property (times number of properties)</td><td>40.00</td></tr> <tr><td>1809</td><td>750</td><td>2809</td><td>375</td><td>Filing a submission after final rejection (37 CFR § 1.129(a))</td><td></td></tr> <tr><td>1810</td><td>750</td><td>2810</td><td>375</td><td>For each additional invention to be examined (37 CFR § 1.129(b))</td><td></td></tr> <tr><td>1801</td><td>750</td><td>2801</td><td>375</td><td>Request for Continued Examination (RCE)</td><td></td></tr> <tr><td>1802</td><td>900</td><td>1802</td><td>900</td><td>Request for expedited examination of a design application</td><td></td></tr> </tbody> </table> Other fee (specify) _____	Large Entity		Small Entity		Fee Description	Fee Paid	Fee Code	Fee (\$)	Fee Code	Fee (\$)	1051	130	2051	65	Surcharge - late filing fee or oath		1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet		1053	130	1053	130	Non-English specification		1812	2,520	1812	2,520	For filing a request for <i>ex parte</i> reexamination		1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action		1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action		1251	110	2251	55	Extension for reply within first month		1252	410	2252	205	Extension for reply within second month		1253	930	2253	465	Extension for reply within third month		1254	1,450	2254	725	Extension for reply within fourth month		1255	1,970	2255	985	Extension for reply within fifth month		1401	320	2401	160	Notice of Appeal		1402	320	2402	160	Filing a brief in support of an appeal		1403	280	2403	140	Request for oral hearing		1451	1,510	1451	1,510	Petition to institute a public use proceeding		1452	110	2452	55	Petition to revive - unavoidable		1453	1,300	2453	650	Petition to revive - unintentional		1501	1,300	2501	650	Utility issue fee (or reissue)		1502	470	2502	235	Design issue fee		1503	630	2503	315	Plant issue fee		1460	130	1460	130	Petitions to the Commissioner		1807	50	1807	50	Processing fee under 37 CFR 1.17(c)		1806	180	1806	180	Submission of Information Disclosure Stmt		8021	40	8021	40	Recording each patent assignment per property (times number of properties)	40.00	1809	750	2809	375	Filing a submission after final rejection (37 CFR § 1.129(a))		1810	750	2810	375	For each additional invention to be examined (37 CFR § 1.129(b))		1801	750	2801	375	Request for Continued Examination (RCE)		1802	900	1802	900	Request for expedited examination of a design application		<b>1. BASIC FILING FEE</b> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2">Large Entity</th> <th colspan="2">Small Entity</th> <th rowspan="2">Fee Description</th> <th rowspan="2">Fee Paid</th> </tr> <tr> <th>Fee Code</th> <th>Fee (\$)</th> <th>Fee Code</th> <th>Fee (\$)</th> </tr> </thead> <tbody> <tr><td>1001</td><td>750</td><td>2001</td><td>375</td><td>Utility filing fee</td><td>375.00</td></tr> <tr><td>1002</td><td>330</td><td>2002</td><td>165</td><td>Design filing fee</td><td></td></tr> <tr><td>1003</td><td>520</td><td>2003</td><td>260</td><td>Plant filing fee</td><td></td></tr> <tr><td>1004</td><td>750</td><td>2004</td><td>375</td><td>Reissue filing fee</td><td></td></tr> <tr><td>1005</td><td>160</td><td>2005</td><td>80</td><td>Provisional filing fee</td><td></td></tr> </tbody> </table> <b>SUBTOTAL (1) (\$ 375.00)</b>	Large Entity		Small Entity		Fee Description	Fee Paid	Fee Code	Fee (\$)	Fee Code	Fee (\$)	1001	750	2001	375	Utility filing fee	375.00	1002	330	2002	165	Design filing fee		1003	520	2003	260	Plant filing fee		1004	750	2004	375	Reissue filing fee		1005	160	2005	80	Provisional filing fee	
Large Entity		Small Entity		Fee Description			Fee Paid																																																																																																																																																																																																																				
Fee Code	Fee (\$)	Fee Code	Fee (\$)																																																																																																																																																																																																																								
1051	130	2051	65	Surcharge - late filing fee or oath																																																																																																																																																																																																																							
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet																																																																																																																																																																																																																							
1053	130	1053	130	Non-English specification																																																																																																																																																																																																																							
1812	2,520	1812	2,520	For filing a request for <i>ex parte</i> reexamination																																																																																																																																																																																																																							
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action																																																																																																																																																																																																																							
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action																																																																																																																																																																																																																							
1251	110	2251	55	Extension for reply within first month																																																																																																																																																																																																																							
1252	410	2252	205	Extension for reply within second month																																																																																																																																																																																																																							
1253	930	2253	465	Extension for reply within third month																																																																																																																																																																																																																							
1254	1,450	2254	725	Extension for reply within fourth month																																																																																																																																																																																																																							
1255	1,970	2255	985	Extension for reply within fifth month																																																																																																																																																																																																																							
1401	320	2401	160	Notice of Appeal																																																																																																																																																																																																																							
1402	320	2402	160	Filing a brief in support of an appeal																																																																																																																																																																																																																							
1403	280	2403	140	Request for oral hearing																																																																																																																																																																																																																							
1451	1,510	1451	1,510	Petition to institute a public use proceeding																																																																																																																																																																																																																							
1452	110	2452	55	Petition to revive - unavoidable																																																																																																																																																																																																																							
1453	1,300	2453	650	Petition to revive - unintentional																																																																																																																																																																																																																							
1501	1,300	2501	650	Utility issue fee (or reissue)																																																																																																																																																																																																																							
1502	470	2502	235	Design issue fee																																																																																																																																																																																																																							
1503	630	2503	315	Plant issue fee																																																																																																																																																																																																																							
1460	130	1460	130	Petitions to the Commissioner																																																																																																																																																																																																																							
1807	50	1807	50	Processing fee under 37 CFR 1.17(c)																																																																																																																																																																																																																							
1806	180	1806	180	Submission of Information Disclosure Stmt																																																																																																																																																																																																																							
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	40.00																																																																																																																																																																																																																						
1809	750	2809	375	Filing a submission after final rejection (37 CFR § 1.129(a))																																																																																																																																																																																																																							
1810	750	2810	375	For each additional invention to be examined (37 CFR § 1.129(b))																																																																																																																																																																																																																							
1801	750	2801	375	Request for Continued Examination (RCE)																																																																																																																																																																																																																							
1802	900	1802	900	Request for expedited examination of a design application																																																																																																																																																																																																																							
Large Entity		Small Entity		Fee Description	Fee Paid																																																																																																																																																																																																																						
Fee Code	Fee (\$)	Fee Code	Fee (\$)																																																																																																																																																																																																																								
1001	750	2001	375	Utility filing fee	375.00																																																																																																																																																																																																																						
1002	330	2002	165	Design filing fee																																																																																																																																																																																																																							
1003	520	2003	260	Plant filing fee																																																																																																																																																																																																																							
1004	750	2004	375	Reissue filing fee																																																																																																																																																																																																																							
1005	160	2005	80	Provisional filing fee																																																																																																																																																																																																																							
<b>2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE</b> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2">Total Claims</th> <th colspan="2">Extra Claims</th> <th colspan="2">Fee from below</th> <th colspan="2">Fee Paid</th> </tr> </thead> <tbody> <tr> <td>64</td> <td>-20** =</td> <td>44</td> <td>X</td> <td>9</td> <td>=</td> <td>396.00</td> <td></td> </tr> <tr> <td>6</td> <td>-3** =</td> <td>3</td> <td>X</td> <td>42</td> <td>=</td> <td>126.00</td> <td></td> </tr> <tr> <td colspan="2">Independent Claims</td> <td colspan="2"></td> <td colspan="2"></td> <td colspan="2"></td> </tr> <tr> <td colspan="2">Multiple Dependent</td> <td colspan="2"></td> <td colspan="2"></td> <td colspan="2"></td> </tr> </tbody> </table> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2">Large Entity</th> <th colspan="2">Small Entity</th> <th rowspan="2">Fee Description</th> <th rowspan="2">Fee Paid</th> </tr> <tr> <th>Fee Code</th> <th>Fee (\$)</th> <th>Fee Code</th> <th>Fee (\$)</th> </tr> </thead> <tbody> <tr><td>1202</td><td>18</td><td>2202</td><td>9</td><td>Claims in excess of 20</td><td></td></tr> <tr><td>1201</td><td>84</td><td>2201</td><td>42</td><td>Independent claims in excess of 3</td><td></td></tr> <tr><td>1203</td><td>280</td><td>2203</td><td>140</td><td>Multiple dependent claim, if not paid</td><td></td></tr> <tr><td>1204</td><td>84</td><td>2204</td><td>42</td><td>** Reissue independent claims over original patent</td><td></td></tr> <tr><td>1205</td><td>18</td><td>2205</td><td>9</td><td>** Reissue claims in excess of 20 and over original patent</td><td></td></tr> </tbody> </table> <b>SUBTOTAL (2) (\$ 522.00)</b>	Total Claims		Extra Claims		Fee from below		Fee Paid		64	-20** =	44	X	9	=	396.00		6	-3** =	3	X	42	=	126.00		Independent Claims								Multiple Dependent								Large Entity		Small Entity		Fee Description	Fee Paid	Fee Code	Fee (\$)	Fee Code	Fee (\$)	1202	18	2202	9	Claims in excess of 20		1201	84	2201	42	Independent claims in excess of 3		1203	280	2203	140	Multiple dependent claim, if not paid		1204	84	2204	42	** Reissue independent claims over original patent		1205	18	2205	9	** Reissue claims in excess of 20 and over original patent		<b>SUBTOTAL (3) (\$ 40.00)</b> * Reduced by Basic Filing Fee Paid																																																																																																																																										
Total Claims		Extra Claims		Fee from below		Fee Paid																																																																																																																																																																																																																					
64	-20** =	44	X	9	=	396.00																																																																																																																																																																																																																					
6	-3** =	3	X	42	=	126.00																																																																																																																																																																																																																					
Independent Claims																																																																																																																																																																																																																											
Multiple Dependent																																																																																																																																																																																																																											
Large Entity		Small Entity		Fee Description	Fee Paid																																																																																																																																																																																																																						
Fee Code	Fee (\$)	Fee Code	Fee (\$)																																																																																																																																																																																																																								
1202	18	2202	9	Claims in excess of 20																																																																																																																																																																																																																							
1201	84	2201	42	Independent claims in excess of 3																																																																																																																																																																																																																							
1203	280	2203	140	Multiple dependent claim, if not paid																																																																																																																																																																																																																							
1204	84	2204	42	** Reissue independent claims over original patent																																																																																																																																																																																																																							
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent																																																																																																																																																																																																																							

<b>SUBMITTED BY</b>		Complete( if applicable)	
Name (Print/Type)	John L. Adair	Registration No. (Attorney/Agent)	48,828
Signature		Telephone	512.457.7142
		Date	August 22, 2003

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.


Gray Cary/AU4107905.1

<b>REQUEST AND CERTIFICATION UNDER 35 U.S.C. 122(b)(2)(B)(i)</b>	First Named Inventor	Lish ng Xing
	Title	SYSTEM AND METHOD OF SUPPORTING KERNEL FUNCTIONALITY
	Atty. Docket:	CROSS1570-1

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).

August 22, 2003

Date

  
John L. Adair  
Reg. No. 48,828

This request must be signed in compliance with 37 C.F.R. 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**

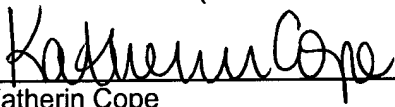
Burden Hour Statement: This collection of information is required by 37 C.F.R. 1.213(a). The information is used by the public to request that an application not be published under 35 U.S.C. 122(b) (and the PTO to process that request). Confidentiality is governed by 35 U.S.C. 122 and 37 C.F.R. 1.14. This form is estimated to take 6 minutes to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE	
<b>CERTIFICATE OF MAILING BY "EXPRESS MAIL"</b>	Atty Docket No. (Optional) <b>CROSS1570-1</b>
<b>Mail Stop Patent Application</b> Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450  Sir:	In the Application of: <b>Lish ng Xing</b>
	Date Filed: <b>August 22, 2003</b>
	Title: <b>SYSTEM AND METHOD OF SUPPORTING KERNEL FUNCTIONALITY</b>

I hereby certify that the attached Utility Patent Application Transmittal Form, Fee Transmittal, Information Disclosure Statement and PTO Form 1449 (with references attached), executed Declaration and Power of Attorney, executed Assignment and Recordation Cover Sheet, Utility Patent Application, six (6) pages of Drawings, Request for Non-Publication, Check and Postcard are being deposited with the United States Postal Service "EXPRESS MAIL Post Office to Addressee" service under 37 C.F.R. § 1.10, Mailing Label Certificate No. **EV351125816US**, on **August 22, 2003**, addressed to: **Mail Stop Patent Application**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Respectfully submitted,

**Gray Cary Ware & Freidenrich LLP**

  
 Katherin Cope

**EV351125816US**